

HOUSE BILL 678

M3

11r2365
CF SB 826

By: **Delegates Otto and McDermott**

Introduced and read first time: February 9, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 4, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Environment~~ Somerset County – Water and Sewer Service – Late Fees

3 FOR the purpose of authorizing ~~a sanitary commission~~ the sanitary district in
4 Somerset County to charge a late fee for certain unpaid water and sewer usage
5 charges; authorizing the Sanitary Commission in Somerset County to require
6 the payment of certain late fees before reconnecting certain water service;
7 providing that when a certain charge is in default it will accrue interest from a
8 certain date and at a certain rate; and generally relating to water and sewer
9 service charges in Somerset County.

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 9–601(a), (d), (j), and (k)
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 9–662
18 Annotated Code of Maryland
19 (2007 Replacement Volume and 2010 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Article – Environment

2 9–601.

3 (a) In this subtitle the following words have the meanings indicated.

4 (d) (1) “District” means an entity that is created under this subtitle.

5 (2) “District” includes a board, body, or commission that assumes the
6 principal functions of a district that is created under this subtitle and later abolished.7 (j) “Project” means a water system, sewerage system, solid waste disposal
8 system, or solid waste acceptance facility or any part of these that a district owns,
9 constructs, or operates.10 (k) “Sanitary commission” means a sanitary commission created under this
11 subtitle.

12 9–662.

13 (a) For each project that it operates, a district may charge the owners of
14 parcels serviced by or connected to the project:15 (1) A minimum charge; ~~and~~16 (2) A usage charge that is based on the use of the project by the owner
17 of the parcel; ~~AND~~18 ~~(3) A LATE FEE FOR ANY UNPAID USAGE CHARGE.~~19 (b) The district shall use funds received from charges made under this
20 section:

21 (1) To operate, maintain, and repair the project;

22 (2) To maintain proper depreciation allowances;

23 (3) To pay operation expenses of the district;

24 (4) To repay advances made by member counties under § 9–628 of this
25 subtitle; and26 (5) To pay the principal and interest on bonds issued under this
27 subtitle.

28 (c) For water service, the sanitary commission:

1 (1) Shall make a minimum charge:

2 (i) That is based on the size of the meter serving the property
3 and is uniform throughout the service area for each size of meter; and

4 (ii) That, for properties to which no meter is connected, is
5 reasonable and uniform throughout the service area; and

6 (2) Subject to the meter size and uniformity requirements of this
7 subsection, may change the minimum charge as necessary.

8 (d) For sewerage service, the sanitary commission shall:

9 (1) Make a minimum charge that is reasonable and uniform
10 throughout the service area; and

11 (2) Collect, each year, the minimum charge in the same manner as the
12 sanitary commission collects benefit assessments.

13 (e) If a minimum charge for sewerage service is unpaid, the minimum charge
14 has the same status as an unpaid benefit assessment.

15 (f) For solid waste disposal systems, the sanitary commission shall make a
16 minimum charge that is reasonable and uniform throughout the service area.

17 (g) If the sanitary commission uses a water meter, the sanitary commission
18 shall connect the water meter at the sanitary commission's expense.

19 (h) For water usage, the sanitary commission shall make a charge that:

20 (1) Is based on meter readings; or

21 (2) If no water meter is connected to the property, is:

22 (i) Based on the estimated water usage; and

23 (ii) Uniform among unmetered properties in the service area.

24 (i) For sewerage systems and solid waste disposal systems, the sanitary
25 commission shall make a reasonable usage charge.

26 (j) Except for bills for minimum charges for sewerage services, the sanitary
27 commission:

28 (1) Shall send to each property owner:

1 (i) For water service, a bill for minimum charges and usage
2 charges for water once each 3 or 6 months; and

3 (ii) For other charges, a bill once each 3, 6, or 12 months; and

4 (2) May stagger the frequency and dates of bills sent under this
5 section.

6 (k) The property owner promptly shall pay any bill sent under this section.

7 (l) If a water bill is unpaid for 30 days after being sent, and after written
8 notice is left on the premises or mailed to the last known address of the owner, the
9 sanitary commission may:

10 (1) Disconnect water service to the property; and

11 (2) Require, before reconnecting water service, payment of the entire
12 water bill plus ~~ANY APPLICABLE LATE FEES AND~~ a reconnection charge reasonably
13 related to the cost of reconnection, as established by ordinance of the governing body of
14 the county or municipal corporation in which the water service is provided.

15 (m) (1) If a charge for which a bill sent under this section is in default 60
16 days after the bill is sent, the charge is in default.

17 (2) When a charge is in default, ~~it is~~ ~~THE CHARGE:~~

18 ~~(i) SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT~~
19 ~~AT A RATE SET BY THE SANITARY COMMISSION; AND~~

20 ~~(ii) IS~~ a lien on the property ~~{and the}~~

21 ~~(3) THE~~ sanitary commission may collect ~~{the}~~ ~~A DEFAULTED~~ charge
22 in the same manner as benefit assessments.

23 (N) IN SOMERSET COUNTY, NOTWITHSTANDING ANY OTHER
24 PROVISIONS OF LAW:

25 (1) THE DISTRICT MAY CHARGE AN OWNER OF A PARCEL
26 SERVICED BY OR CONNECTED TO A PROJECT THAT THE DISTRICT OPERATES A
27 LATE FEE FOR ANY UNPAID USAGE CHARGE THAT IS BASED ON THE USE OF THE
28 PROJECT BY THE OWNER OF THE PARCEL;

29 (2) THE COMMISSION MAY REQUIRE, BEFORE RECONNECTING
30 WATER SERVICE, PAYMENT OF ANY APPLICABLE LATE FEES IN ADDITION TO ANY
31 OTHER CHARGE AUTHORIZED BY THIS SECTION; AND

1 **(3) A CHARGE THAT IS IN DEFAULT SHALL ACCRUE INTEREST**
2 **FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.